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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,479	02/17/2004	Matthew Lee Withrow	TRAF001US0	1552
48746 7590 08/04/2008 HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C. 919 Congress Avenue, Suite 919 AUSTIN, TX 78701				
EXAMINER				
CHEUNG, MARY DA ZHI WANG				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
08/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/780,479

**Applicant(s)**

WITHROW, MATTHEW LEE

**Examiner**

MARY CHEUNG

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the amendment filed on May 27, 2008. Claims 1-26 are pending and examined. Claims 1, 3, 11-12, 14, 16 and 24-25 are currently amended.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

In response the applicant's arguments that MacKay fails to teach the newly amended limitation that the on-line parking citation interface is remote to said user, the examiner has provided a new reference Hausen for satisfying this limitation.

3. Applicant's arguments filed May 27, 2008 have been fully considered but they are not persuasive.

In response to the applicant's argument that MacKay fails to teach electronic transferring funds because the user provides physical payment device, the examiner respectfully disagrees. Although the user in MacKay' teaching provides physical payment device such as debit card, the fund is still transferred electronically from the user's account to an account of parking authority (see ¶¶ 18-19).

In response to the applicant's arguments that MacKay fails to teach "enabling a user to interface to existing management software associated with the issuing authority" as claimed in claim 13, MacKay teaches this matter by allowing the user to interface

Art Unit: 3694

with the Pay and Display Parking Machine associated with the issuing authority (see ¶ 16-18).

The examiner thanks the applicant to notice the typographical error about claims 17, 20-21 and 25 should be in parallel with the limitations in claims 4, 7-8 and 12. The correction has been made.

In response the applicant's argument that Admasu fail to teach setting up a merchant account, Admasu teaches this matter by allowing the user sets up an account to pay for the services are provided.

4. Since Applicant(s) did not seasonably traverse the Official Notice statement(s) regarding claims 4, 7-8, 12, 17, 20-21 and 25 as stated on pages 5-6 of the previous Office Action mailed on December 28, 2007, the Official Notice statement(s) are taken to be admitted prior art. See MPEP §2144.03.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 9-10, 13-16, 18, 22-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKay, US 2003/0083928 A1 in view of Hausen et al., US 2004/0059693 A1.

As to claim 1, MacKay teaches a method for settling a parking citation, comprising the steps of (abstract):

- providing an on-line parking citation interface to a user (¶ 16-17);
- connecting said on-line parking citation interface to a receiving application for receiving a predetermined minimal set of information relating to a parking citation (¶ 17; *“a predetermined minimal set of information” corresponds to the information entered by the user in MacKay’s teaching, such as citation number of the parking ticket*);
- connecting said receiving application to a polling application for interfacing with a parking citation issuing authority (¶ 19 and Fig. 1; *“a parking citation issuing authority” corresponds to the central processor in MacKay’s teaching*);
- communicating said predetermined minimal set of information with said parking citation issuing authority in an information protocol usable by said parking citation issuing authority (¶ 19 and Fig. 1);
- identifying a parking citation from said parking citation issuing authority associated with said minimal set of information (¶ 20); and
- electronically transferring funds at the direction of the user from a predetermined electronic funds source to an electronic account associated with said parking citation issuing authority for settling said parking citation (¶ 18-19).

MacKay does not specifically teach the on-line parking citation interface is remote to the user. However, Hausen teaches the parking interface is remote from the user (abstract and ¶ 50-51, 60, 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the parking citation interface

in MacKay's teaching to be remote from the user as taught by Hausen so that the user can pay the parking related free remotely.

As to claim 2, the step of directing settlement instructions from the user to a financial institution associated with said electronic funds source for processing approval to electronically transfer funds from said predetermined electronic funds source to said electronic account associated with said parking citation issuing authority are taught by MacKay as the user uses credit card or debit card for making the payment of the parking citation, the receipt of payment is issued to the user, and the record of payment data is forwarded to the central processor (§§ 18-19).

As to claim 3, MacKay further teaches selecting said information protocols from a set of information protocols associated with said polling application (§§ 17-18, 20).

As to claim 5, MacKay further teaches enabling a user to perform credit card processing authorization of credit and debit cards (§§ 16, 18).

As to claim 9, MacKay teaches enabling a user the ability to perform no unwanted trips to the parking or municipal office (§§ 20).

As to claim 10, MacKay teaches enabling a user to perform a settlement transaction without the use of a payment envelope (§§ 16-18).

As to claim 13, MacKay teaches enabling a user to interface to existing parking management software associated with the issuing authority (§§ 16-18).

Claims 14-16, 18, 22-23 and 26 are in parallel with the limitations in claims 1-3, 5, 9-10 and 13; thus, they are rejected on the same basis.

Art Unit: 3694

7. Claims 4, 7-8, 12, 17, 20-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKay, US 2003/0083928 A1 in view of Hausen et al., US 2004/0059693 A1, and in further view of Official Notice.

As to claim 4, MacKay does not specifically teach permitting the user to unsuccessfully attempt said step of electronically transferring funds not more than a predetermined number of times. To limit the number of times for permitting a user to attempt for unsuccessful actions (i.e. login) is well known in the art and Official Notice is taken for this limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow MacKay's teaching to include the feature of permitting the user to unsuccessfully attempt of electronically transferring funds not more than a predetermined number of times for better preventing unauthorized usage of the funds.

As to claim 7, MacKay teaches enabling a user to receive a printed receipt of the transaction (¶18). MacKay does not specifically teach enabling a user to receive an email settlement receipt and confirmation number. Send confirmation through email is well known in the art and Official Notice is taken for the limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow MacKay's teaching to include the feature of sending settlement receipt and confirmation number through email for allowing the user conveniently obtain the settlement result.

As to claim 8, MacKay does not specifically teach enabling a user to check the status of a ticket on-line. Check status of information on-line is well known in the art and Official Notice is taken for the limitation. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to allow MacKay's teaching to include the feature of enabling a user to check the status of a ticket on-line for fast and easy obtain the most updated status of the ticket.

As to claim 12, MacKay teaches enabling a user to interface on-line for performing parking citation settlement transactions as discussed in claim 1 above. MacKay does not specifically teach enabling a user to perform a toll-free call settling the traffic citation settlement transaction. A toll-free call for settling transactions is well known in the art and Official Notice is taken for the limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow MacKay's teaching to include the feature of enabling a user to perform a toll-free call settling the traffic citation settlement transaction for providing the user alternatively method for conveniently settling the citation.

Claims 17, 20-21 and 25 are in parallel with the limitations in claims 4, 7-8 and 12; thus, they are rejected on the same basis.

8. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKay, US 2003/0083928 A1 in view of Hausen et al., US 2004/0059693 A1, and in further view of Admasu et al., US 2002/0032601 A1.

As to claims 6 and 19, MacKay does not specifically teach enabling a user to perform setup of merchant accounts. However, Admasu teaches this matter (§ 25-27, 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user in MacKay's teaching to include the feature of setup merchant accounts for allowing the user conveniently pay for dues.

9. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKay, US 2003/0083928 A1 in view of Hausen et al., US 2004/0059693 A1, and in further view of Dutta et al., US 2003/0055701 A1.

As to claims 11 and 24, MacKay teaches enabling a user to interface on-line for performing parking citation settlement transactions as discussed in claim 1 above. MacKay does not specifically teach enabling a user to interface a web portal for performing the traffic citation settlement transaction. However, Dutta teaches this matter (abstract and ¶ 44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user in MacKay's teaching to enable to a web portal for performing the traffic citation settlement transaction as taught by Dutta for allowing the user more remotely settling the citation.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

- |                |   |
|----------------|---|
| (571) 273-8300 | (Official Communications; including After Final<br>Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications)  |

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
July 31, 2008